



Maryland Green Building Council Meeting Summary
Wednesday June 22, 2016 – 10 A.M. -12 P.M.
Maryland Department of Natural Resources, Tawes State Office Building
Conference Room C1A
580 Taylor Avenue, Annapolis, MD 21401

Attendees:

Tom Liebel- MDGBC
 Lisa Ferretto- MDGBC
 Christine Varney- MDGBC
 Martha Shrader- USM
 Meg Andrews -MDOT
 Samuel Beirne- MEA
 Anne Raines -MDP
 Mark Beck- USM
 Laura Armstrong- MDE
 Susan Gore -DBM
 Dorothy Morrison- MDOT

Support:

James Ley- DGS
 Ellen Robertson -DGS

Guests:

James Keel- DGS
 Frank Pullifrone -DGS
 John Evianiak -DGS
 Alicia Moran AM media + Marketing
 Ben Roush- USGBC MD
 Fulya Kocak
 Tonya Zimmerman- DLS

I. Greetings / Introductions / Announcements / Sign In

Acting Chair Tom Liebel brought the meeting to order at 10:00 AM. Attendees introduced themselves.

II. Tom Liebel asked for a vote to approve the April 2016 meeting summary. Martha Shrader motioned to approve the summary and Lisa Ferretto seconded the motion. There were no objections and the meeting summary was approved.

III. Conditions Assessment Program for existing State buildings – DGS Facilities Engineering staff.

A. Jim Keel discussed the evolving pilot project using operating funds to assess the condition of State buildings. Jim Keel contact info is:

Chief (Acting), Department of General Services Maintenance Engineering
 301 West Preston Street, Room 1405
 Baltimore, Maryland 21201-2305
 410-767-4263

james.keel@maryland.gov

B. Jim's department is responsible for the facilities renewal program. All major repairs up to \$2.5 million each using the operating budget for projects up to \$100K and capital budget up to \$2.5 million per project

1. On a good year they get up to \$20 million in funding. Their job is to identify, prioritize, design and construct these projects.

2. His team used to do their own building assessments. It became too daunting so they are now having Using Agencies tell DGS what their needs are.
3. Projects include roofs, HVAC systems, health and safety items.
4. There used to be enough money to keep up with the projects, but projects have grown and funding hasn't kept up.
5. Some agencies don't respond or don't have qualified people to evaluate their needs.
6. Jim's division has been going to the legislature for the past several years requesting funding to begin to do assessments again.
7. This year they requested \$5 million to assess DGS buildings. They only received \$500K in the operating budget to start a pilot program. However, since the funding they were given is operating funds they are time restricted to completing the work in a year.
8. Since the normal process to hire engineering teams would take up 6 months just to get a team onboard they are using the Indefinite Quantity Contract (IQC) and establishing a fixed scope of work for teams to perform.
9. They are trying to do this in conjunction with the energy division partly because energy has other available funds and because they routinely perform energy audits. This coordination would also hopefully prevent duplicating efforts and they can stretch the funding further.
10. DGS has prioritized their top 5 projects based on a number of factors from the following buildings: 6 St Paul Street, Central Services in Annapolis, the DNR (Tawes) complex, the Court of Appeals and the Treasury Building.
11. In the past they've replaced singular pieces of equipment in kind without looking at the entire system...so they're looking at it from the bigger picture on this project. They intend to evaluate, rank, cost and prioritize whole system projects. With that they will look at energy efficiency during the evaluation process so that if possible they will be able to replace outdated inefficient systems with better ones.

C. Jim asked the Council if they had any thoughts or questions?

1. Lisa Ferretto likes the system approach. She asked how many buildings they could you do if they had received the full \$5 million. Jim said probably 50.
2. Tom Liebel asked if there is a process in place to talk to MEA about the energy assessments? Jim said that Deputy Secretary Leigh Williams (formerly of MEA) is going to be helping with this process. He has not worked with MEA previously and needs to understand specifically what MEA can help with. That question has not been answered yet.
3. Tom asked if the evaluation will be looking at life cycle cost analysis? Jim said they will be looking for these comments from the engineering teams as they do their assessments.
4. Tom asked if they are also looking at whole system replacements to replace with better systems. Jim said they will be looking at this as well...in the past we've done in kind replacement as part of the bigger system.
5. David Lever asked how they will prioritize projects. Jim said they'll be looking for that from the team as well. He is looking to change their entire

program going forward for how they maintain and upgrade these buildings.

6. David asked if they are using a specific methodology for ranking projects. The Department of Defense system for example. Jim said they are open to all systems And are currently just trying to put the scope of work together. There are lots of things we can use the information for so we're trying to get something we can use in these ways. David suggested that some of the school systems have these kinds of evaluation systems and if interested he could provide information. Jim said absolutely. They have talked with the military and have something from Towson State.

7. Tom suggested that the USM, GSA and schools all may have assessment templates to work with. He asked if there is any training for the facility managers. Jim said there is a manual for facility managers but how much its followed is not good. It makes it difficult to put any weight on their evaluations.

8. Ben Roush said that an ASHRAE level 2 energy audit would do what you want to do -the hvac, lighting and building envelope would be part of that. Jim said that the DGS energy group is working on these things.

9. Susan Gore asked if they are going to try to merge this pilot with facilities renewal or are they starting a new program as there could be a conflict between this and the huge remaining backlog of priority projects in facilities renewal. Jim said they are looking for this to get more money and more people. There is currently a 1,400 project request backlog totaling \$190 million dollars. Each year at best they get \$20 million. There are 20 projects this year, 10 of which are roofs...they're not hitting the real core of the problem.

10. Tom said that if they could show the return on investment they might be able to get more money. Jim agrees - this is what they would like to do.

11. David said the Facility Condition Index (FCI) is a good tool for the schools to communicate their needs for these projects.

12. Tom asked when the funding starts. Jim said July 1. Tom asked what is the time table for doing this? Jim said they will do the top three bldgs initially and see what they are getting back as deliverable. They are getting scopes out in August and plan to start the middle of August.

13. Fulya Kocak recommended looking at the end result and working backwards to understand the pitch that needs to be made to the funders. What will you present at the end of the day is important to understand at the beginning. Should have a marketing plan for the results. Jim said they've been trying to lay this groundwork over the past several years. The ideas are mostly accepted, but the funding is the problem.

14. Tom recommended making sure the presentation is also simple so that it is read. A graphically compelling presentation will be helpful. Jim said that Lauren Buckler has collected information from other states at a building management seminar that was held earlier in the year In Portland. They will be looking at that and info from other states.

15. Anne Raines asked how the Council can show support? Tom said that we could testify at budget and legislative hearings etc. to show support for this methodology.

16. Lisa asked if this is going back in for next year's budget too? Susan Gore said it is.

17. Tom told Jim to let the Council know if there are specific programs or questions they can help with.

IV. Waiver requests - Frostburg State University and USM

A. The USM recently submitted the first waiver request in the Council's history. The waiver is requested only for relief from the Council's High Performance Green Building Program's mandatory requirement to achieve LEED credit SSc8 Light Pollution Reduction for its new Public Safety Facility.

B. The new 8,556 GSF Public Safety Facility will house FSU's Police Department. The building will include spaces for public operations such as communications, report writing, and holding cells. It will also include specialized storage for evidence, recovered property, weapons, and records. Support spaces include a networked server, locker and shower rooms, fitness room, break room and kitchen.

C. As a public safety building, the University wants the building to be highly visible 24/7 as a place of refuge. Providing an automated shading system to prevent light trespass to the exterior at night would be contrary to this goal as well as cost prohibitive for this small, limited budget project. The design team has complied with all other requirements of this credit. There is no light trespass site issue.

D. Ellen said that Steve Gilliss has sent this to the DGS AG to clarify the intent of the law in terms of whether the Secretaries would need to sign off on a waiver for relief from a singular element rather than exemption from the law for a whole building. Since there is no precedent there is no clear answer to this.

E. Tom noted that at CHAP they are always very specific with findings so as not to open broader interpretations of requirements.

1. He suggests the Council be very clear to say that the project is on state property with no light trespass to other properties and that the request is made and granted due to the nature of the facility as a 24 hour safety facility. We don't want to broaden the requirements or move away from the light control mandate in writing our decision.

2. Martha reiterated that it's just about light from within the building.

3. Lisa noted that the IgCC is not exactly the same as LEED and asked if they could say it meets IgCC. Tom said this applies only to the LEED mandatory requirements in the Green Building Program so equivalence with IgCC is not really relevant. We need to hold our buildings to high standards, but because of the building's use we could grant the waiver. We would not relax this requirement otherwise.

4. Fulya Kocak noted that only a limited number of projects meet this requirement. Most can do site but not interior light escape. For LEED v4 they have removed the interior lighting and have a requirement similar to IgCC. Tom and Christine noted that the Council will need to re-evaluate LEED V4 and the Green Building Program mandatory credits this year for implementation.

F. Tom Liebel motioned to approve the waiver request, Susan Gore seconded. Mark Beck recused himself since it is a USM project. There were no objections and the waiver was approved. Tom will draft the response to the waiver request after input from DGS Counsel.

- G. The second waiver request is in regard to IgCC sound transmission requirements. The building is the first building being designed to the Council's version of the IgCC. This is not an official request because the project receives other non-state funding and is therefore not required to comply with the state green building laws.
1. Tom said that the STC requirements are for separate spaces.
 2. Lisa believes the IgCC seems to call for separation between different functions and the waiver request used the argument that all the spaces are to be used by the same tenant so they wouldn't need separation. Though she's not opposed to giving the waiver, she noted that the IgCC is more stringent than LEED. She asked if we should we should change our IgCC to make more equivalent to LEED. Tom asked how do you deal with design vs. field testing etc. Field tests will likely not pass as well as the design /lab assembly test. But we should look at projects on an individual basis and not change our requirements.
 3. Lisa asked if they are meeting the rest of the requirements - hvac background sound etc. Tom said we don't want to take this out. Meg asked if they *do* require field testing. Tom said no but the broader concern is if it's not meeting the minimum goal you will find out too late.
 4. A comment was made that part of the reason for the request was cost. Should cost be a factor in a waiver decision?
 5. David said he didn't see the specifics in the request but, as with the previous waiver discussion, we would need to make it very specific as to what the waiver would apply to. Tom said the opinion of the Council is that a limited waiver could be provided in offices and would not be waived between other occupancies such as between conference rooms or classrooms. Lisa said it would have to be compliant with the IgCC. Tom felt that within a use group such as office space this could be waived but not separations between different use groups. The information provided is not clear enough. We would need more information, and clarity on how the space is being used, to provide a waiver if this project was required to comply. At this time we'd have to defer without more material. Can't provide blanket waivers to gut the intention of the code/program. The Council would deny and defer a decision without further information and would have to write a letter requesting more specifics if this was not an exempt project.
- V. The status of Council positions and re-appointments was discussed briefly by Tom. Interviews were held by Secretary Bassette and appointment recommendations have again been advanced to the appointments Secretary. There is no known timeline for approval however.
- VI. Lisa Ferretto brought up concerns about legislative updates in Maryland and discussion ensued.
- A. Final bill signings. Sam Bierne said that the Governor signed all the energy bills advanced except for Renewable Portfolio Standard (RPS) extension due to an unacceptable increase in cost. Between \$50-100 million. It was vetoed for

cost. However, the House and Senate approved it so the veto may be overridden next Session.

B. Lisa is concerned about the expiration of the fracking ban as part of the renewable energy picture in the state.

1. Tom said some would argue this is out of the Council's realm. Sam agreed it is out of the Council realm.
2. Ellen noted that the public meetings start today and others are scheduled for June 27 and 29. Then they will write regulations effective in September.
3. Tom said we have to look at the enabling legislation and you can stretch to the promotion of sustainability in the State of MD. Does it have any direct impact on buildings? And it would be hard for the Council to comment given the Governor's positive position on fracking and the fact that the Council is supported by an agency of the Governor.
4. Mark Beck asked facetiously how does fracking affect Maryland resident's homes?
5. Susan Gore agreed that the Governor is in favor of fracking so how can the Council really argue with it. Tom argued that the Governor did not create the Council but in the greater scheme of things he can't support commenting as a Council. Lisa thinks we still need to write a letter. Sam would not support writing that. Tom would defer to the new chair and is not comfortable going forward with that.
6. Tom said the Council could argue that where energy comes from has an impact. Laura thinks it would be a good thing to comment and that we should link up more with the Sustainable Growth Commission.
7. David Lever spoke about the Sustainable Growth Commission and its impact on where and how we build and recommends a link with them. Tom noted he has been speaking with Chairman Jon Laria for the past couple of years on having a presentation by the Commission. The Commission is staffed/supported by the Department of Planning.
8. Meg Andrews also mentioned the Coast Smart Council as an organization that we should be in contact with. The Council has been around since 2012 and have developed structures guidelines. DNR is the supporting agency.
9. David Lever has a study going on with 9 eastern shore jurisdictions on a regional energy performance contract. They are continuing to work with DGS on this. There are possibly \$10 million in projects and are hoping to have recommendations soon. They hope to do it without legislative change. The biggest hurdle is getting boards of education for the different jurisdictions to work with each other.
10. David said the other big issue is the window unit air conditioners. The BPW approved regulations making window units eligible for state capital funding as of July. IAC has had regulations against this due to their use of energy. The new regulations would overrule IAC. Counsel for the legislature has provided an opinion one way. Counsel for BPW has legal advice allowing it. The Attorney General's office says they window units are not eligible. Should the Council weigh in on this. Anne Raines asked - doesn't capital equipment have to meet 15 year life. David replied yes and while the industry says they don't last 15 years, but experience is showing that the window units are lasting that long. It's controversial. At

the same time, in some jurisdictions like Baltimore City, the copper content makes them harder to keep and protect from theft. Tom asked about acoustics in the classroom. David said that teachers crank them up when kids are out of room and run them, then turn off during class. The teaching community has no objections overall. David however, doesn't believe it's an appropriate use of funding over time.

V. Once Around the Table

- A. James Ley is leaving state employment for another position.
- B. Ben Roush said on July 13 USGBC will host Stuart Kaplow talking about his version of legislative updates.
- C. Sam Bierne said that MDE has a new director - Mary Chung. Leigh Williams has gone to DGS. MDE is also ramping up hirings.
- D. Meg Andrews said that MDOT is putting out an RFP for solar projects on MDOT properties in July. Tom asked if this is to monetize MDOT holdings or to support MDOT activities. Meg said they are hoping both. Meg also said this is her last meeting as she is retiring. She has no idea who will replace her. Tom thanked her for her work on the Council.
- E. Laura is asking people to join the green registry. Also a thought for another meeting is doing a "daylight hour" in state offices....see <http://www.daylighthour.org/>
- F. Fulya Kocak highlighted the following event: the National Capital Region of the USGBC is holding a Deep Dive to LEED v4 workshop on September 14 with Montgomery County Public Schools. It will be an all day session. She will be teaching.
<http://www.usgbc.org/event/deeper-dive-leed-v4-practical-solutions-cost-implications>

VI. The meeting was adjourned at 11:40 AM. The next meeting is scheduled for Wednesday July 27, 2016 at 10:00 AM at a location to be determined.

The preceding is intended as a paraphrase / summary only of the discussions held on this meeting date. Council members are requested to review the summary and notify the writer of any errors, omissions, additions or unintended misrepresentations of the discussion.